

JURISDICTION:
General Reference:

COLORADO
Colorado Revised Statutes

Required Use of Safety Belts¹:

Requirements²:

I. A driver and front seat passengers of a motor vehicle³ shall wear a safety belt while the vehicle is being operated. §42-4-237(2)

Secondary Enforcement. A law enforcement officer cannot cite a driver for a violation of §42-4-237(2) unless the driver was stopped for some other traffic law violation. §42-4-237(5)

II. A driver of either a noncommercial passenger vehicle or a vehicle operated by a child care center, who transports a child ≥4 but <16 years old and who weighs ≥40 lbs., must secure such child in a safety belt system.⁴ §42-4-236(2)(b) & (c)

Sanctions for Failure to Use or
Require the Use of Safety Belts²:

I. A violation of I above is a Class B Traffic Infraction: A fine of **\$15** and a surcharge of **\$2**.⁵ §§42-4-237(4) & 42-4-1701(4)(a)(I)(D)

II. A violation of II above is a Class B Traffic Infraction: A fine of **\$50** and a surcharge of **\$6**.⁵ §§42-4-236(7) & 42-4-1701(4)(a)(I)(D)

Note: Except as noted in Footnote No. 2, it appears that no points are assessed for a violation of these requirements.

Effect on Civil Liability:

I. Evidence of a failure to wear a safety belt in violation of I above shall be admissible to mitigate damages. However, such mitigation is limited only to awards for pain and suffering. §42-4-237(7)

Required Use of Safety Belts: (continued)

Effect on Civil Liability: (continued)

II. A violation of II above shall not constitute negligence per se or contributory negligence per se. §42-4-236(6)

¹**Exemptions.** This requirement does not apply in the following situations: (1) To a child who must be restrained according to §42-4-236; (2) to a member of an ambulance team, except the driver, when involved in patient care; (3) to certain law enforcement officers when performing official duties; (4) to persons who are exempt from wearing safety belts because of physical or psychological conditions; (5) to persons who are riding in motor vehicles that do not have safety belts because such vehicles are exempt from having such equipment; (6) to rural letter carriers of the U.S. Postal Service while performing official duties; and, (7) to persons who are actually performing delivery or pickup services. §42-4-237(3)

²**Vehicles Driven by Persons Under 17 Years Old.** I. Under separate statutory provisions, occupants of a vehicle driven by a person, who is <17 years old, shall wear a safety belt under §42-4-237 or be secured in a child restraint system under §42-4-236(2)(a). §42-2-105.5(3) Also, in vehicles driven by such persons, only one passenger may occupy the front seat and the number of rear seat passengers cannot exceed the number of available safety belts. §42-2-105.5(4) II. A violation of these requirements is a Class A Traffic Infraction for which the offender is subject to a fine \$15 to \$100. §§42-4-105.5(5) & 42-4-1701(3)(a)(I) In addition, a driver <17 years old who fails to comply with these requirements has 2 points assessed against their driving record. §42-2-127(5)(hh) & (ii)

³The term "motor vehicle" means either a passenger car, a station wagon, a van, a taxicab, an ambulance, a motor home or a pickup truck. However, the term does not include either a motorcycle, a motorscooter, a motorbicycle, a motorized bicycle, a passenger bus, a school bus, farm tractor or implements of husbandry. §42-4-237(a)(a)

⁴**Exemptions.** This requirement does not apply in the following circumstances: (1) To children where all seating positions with either safety belts or child restraint systems are occupied; (2) to children who are being transported as a result of a medical emergency; (3) to children who are being transported in certain commercial motor vehicles that are operated by child care centers; and, (4) to children (≥16 years old) who are operating motor vehicles and who must comply with mandatory safety belt use requirements. §42-4-236(3)

⁵An offender may be ordered by the court to attend a course of instruction on traffic laws, hazardous driving situations and accident prevention. §42-4-1717

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Required Use of Child Safety Restraint Systems⁴:

Requirements²:

A driver of either a privately owned noncommercial passenger vehicle or a vehicle operated by a child care center, who transports a child <4 years old and who weighs <40 lbs., must properly secure such child in a child restraint system. §42-4-236(2)(a) & (c)

Sanctions for Failure to Require the Use of Child Restraint Systems²:

Class B Traffic Infraction: A fine of **\$50** and a surcharge of **\$6**.⁵ §§42-4-236(7) & 42-4-1701(4)(a)(I)(D) Note: Except as noted in Footnote No. 2, it appears that no points are assessed for a violation of this requirement.

Effect on Civil Liability:

A violation of this statutory provision shall not constitute negligence per se or contributory negligence per se. §42-4-236(6)

Required Use of Motorcycle Protective Headgear:

Requirements:

None⁶

Sanctions for Failure to Use:

Required Use of Motorcycle Eye Protection Device:

Requirements:

A person shall not operate or ride on a motorcycle or motor-driven cycle unless they are wearing goggles or eyeglasses with lenses made of safety glass or plastic per standards promulgated by the State. §42-4-232(1)

Sanctions for Failure to Use:

Class A Traffic Infraction: A fine of **\$15** and a surcharge of **\$2**.⁵ §§42-4-232(4) & 42-4-1701(4)(a)(I)(D) Note: It appears that no points are assessed for a violation of this requirement.

Required Use of Bicycle Protective Headgear:

Requirements:

None

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured

⁶Evidence of a person's failure to wear a protective helmet is inadmissible to show either negligence of the person or to mitigate damages. *Dare v. Sobule*, 674 P.2d 960 (Colo. 1984)

Portion of Vehicle⁷:

Requirements:

I. A person is prohibited from riding on the outside, top, hood or fenders or any other portion of a vehicle except that they may ride, while in a sitting position, in the cargo area of a vehicle if the area is fully or partially enclosed on all four (4) sides. §42-4-201(6)

II. A driver shall not knowingly permit a person to ride on the top, hood or fenders or any other portion of a vehicle except that a passenger may ride, while in a sitting position, in the cargo area of a vehicle if the area is fully or partially enclosed on all four (4) sides. §42-4-201(6)

Sanctions for a Violation:

Class A Traffic Infraction: A fine of **\$35** and a surcharge of **\$4**.⁵ §§42-4-201(8) & 42-4-1701(4)(a)(I)(D) Note: It appears that no points are assessed for a violation of these requirements.

Exemptions:

The above prohibitions do not apply (1) to officially authorized parades, caravans or exhibitions or (2) to vehicles owned by either the U.S. Government, the State of Colorado and its political subdivisions, Federal or State government contractors, or public utilities. §42-4-201(7)

⁷In addition, such a prohibition may have been indirectly established for certain children via the provisions of the Child Safety Restraint Systems law.

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